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November 3, 2003

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant: Shiau et al
Application No. 10/211,811
Filing date: 08/05/2002
Title: Antimicrobial Filtration
Art Unit: 1724
Examiner: Peter A. Hruskoci

Correspondence

Sir:

In the Notice of Allowance, paper no. 2003091, the Examiner requires a new declaration citing the deficiency of the submitted declaration in that there was no foreign application identified on which the priority was claimed. Applicant has searched via the U. S. Patent and Trademark web site and found under Forms/qas.html two questions, Q1 and Q7, concerning claiming priority either under 35USC 119(e) or 35 USC 120. The answers to both questions seem identical, which is quoted below:

"The domestic priority box for 35 USC 119(e) benefit claims was removed from the declaration forms because it is not required by the statutes or by the related rules to state a domestic priority claimed under 35 USC 119(e) in the declaration."

" To claim domestic priority under 35 USC 119(e), applicant must comply with 37 CFR 1.78 which requires, in part, that the priority claim information be in either the first line of the specification or in an application data sheet."

Submission of an application data sheet is voluntary.

37CFR 1.78 and 1.67(a) deal with inventors' addresses. These are not relevant in the present application.

Applicant does not wish to file another declaration since it is not required by the statutes and in addition, to avoid confusion. (see the whole text of answers to Q1 and Q7),

If the Examiner concurs with the above findings, he is kindly requested to issue a paper to cancel such requirement. The Examiner is further requested to issue a corresponding paper for Application no. 09/802,949 by the same inventors, filed on 3/12/01.

Respectfully submitted for Shiau et al

By

Alice L. Chen

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